

### REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested. Claims 8, 12, 13 and 16-43 are pending, of which claims 16-42 are withdrawn from consideration. Claim 8 has been amended to enter minor editorial changes. Such amendments were made without acquiescence to the rejections in the Action and without prejudice to future prosecution of the previously claimed subject matter in a related application. No new matter has been added.

#### Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 8, 12, 13 and 43 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. More specifically, it is asserted in the Action that claim 8 and its dependent claims 12, 13, and 43 are indefinite for reciting the term “general formula” and the proviso “the compound having the general formula VII is capable of serving as a substrate for phosphatases . . . .”

To facilitate allowance and without acquiescing to the rejections in the Action, Applicants have amended claim 8 to replace the term “general formula” with the word “formula” and to delete the rejected proviso. Accordingly, Applicants submit that this ground of rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

#### Double Patenting

Claims 8, 12, 13 and 43 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1, 2 and 5-14 of co-pending Application No. 10/803,179 and over claims 8, 12-14 and 43 of co-pending Application No. 11/108,164.

Applicants wish to defer responding to these rejections until either of the co-pending applications is allowed.

Application No. 10/826,972  
Reply to Office Action dated January 31, 2006

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants believe that all of the claims remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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